IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.406 OF 2006

The New India Assurance Co.Ltd. ... Petitioner

vs.

M/s.Meru Diamonds. ... Respondent

Mr.Gurang Kothari with A.S.Vidyarthi i/b. S.M.Vidyarthi, for Petitioner.

Mr.Shirish Deshpande, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 9th October,2006

P.C.:-

1. Heard the learned Counsel appearing for both the sides. The entire award is based on appreciation of oral and documentary evidence that was led by the parties. The findings in the Award are essentially the findings of the facts. So far as the case of estoppal is concerned, the estoppal is pleaded in relation to the report of the Surveyor dated 8.1.2006. It is submitted that the report was accepted

by the respondent and therefore, he is estopped from claiming any more amount. But the admitted position is that the report of the Surveyor dt. 8.1.2004 was not accepted by the petitioner itself and the petitioner had asked the Surveyor to rework the report. It is obvious that as the petitioner itself did not accept the report dt.8.1.2004, there is no question of any estoppal operating against the respondent. The submission has no substance. The petition is disposed of.